

**Planning and Zoning Commission Meeting
February 13, 2020 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioners Cathy Scheck, Tim Roe, and Glen Faden; Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Clerk Matt Amerling.

1. **CALL TO ORDER:** P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** Mr. Plocek stated all were present except for P&Z Commissioner Glen Faden.
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF MINUTES**
 - A. January 9, 2020

P&Z Commissioner Cathy Scheck motioned to adopt the January 9, 2020, P&Z minutes. P&Z Secretary Marshall Gevinson seconded the motion. Motion carried 4-0. P&Z Commissioner Glen Faden entered the meeting.

5. **NEW BUSINESS**

- A. Review, discuss and vote on possible recommendation to the Town Council a Conditional Use Application submitted by Plitko LLC on behalf of Kevin Martin, for an auto repair shop. The proposed business is located on Tax Map Parcel #134-12.00-352.00, and zoned C1 - Commercial. The applicant currently leases the property known as Atlantic Auto Shop located on Route 26.

Mr. Kevin Martin, part owner of Atlantic Auto Shop, stated this project came about quickly due to enlarge the already existing shop to help the community by being able to take in more vehicles for repair. Mr. Martin stated the lot under review tonight happens to be big enough to put up a ten (10)-bay shop as well as parking – compared to Mr. Martin’s current five (5)-bay shop located on the corner of Atlantic Avenue and Old School Lane. Mr. Martin stated the new shop would be cleaned up to make it more easily usable and the parking won’t be an issue like it is in their current location.

Mr. Andrew Lyons Jr., of GMB, stated this is an application to move Mr. Martin’s existing shop from the corner of Atlantic Avenue and Old School Lane to being across the road from McCarthy Stones. Mr. Lyons stated he has reviewed the plans and it meets all the requirements for asking for the conditional use. Mr. Lyons stated the only comment he has is if the project moves forward, it will have to meet the development standards on Route 26.

Ms. Scheck stated she recognizes the need for both a bigger shop and more parking. Ms. Scheck asked how long Mr. Martin’s business has been in existence. Mr. Martin stated he opened on October 4, 2010.

P&Z Commissioner Tim Roe asked if the tools will stay enclosed within the garages since

the tools can be loud. Mr. Martin stated yes, they will stay enclosed in the garage and most of the tools are electric, and while there is a compressor used, the tools are mostly electric; but they will all be in the garage. Mr. Roe stated his concern the business is adjacent to a community and for Mr. Martin to keep in mind even though this is zoned commercial, there are people living nearby.

Mr. Rob Bochanski, part owner of Atlantic Auto Shop, stated this is something they've needed to do for many years now and in the day-to-day operations, having to move cars around in the current area is cumbersome, when the opportunity came up for this lot, it's needed. Mr. Bochanski stated the current location is pretty old so being able to update with equipment and being "ahead of the curve" is wonderful. Mr. Martin stated with the growth in the area, this update is sincerely needed. Town Manager Debbie Botchie stated she believes when the Code was updated, auto repair shops didn't "make the cut-and-paste" because it was always an approved use before.

P&Z Chairman Pat Plocek asked if the applicant has talked to anyone from DelDOT or the Fire Marshal's office about this use. Mr. Martin stated he has approached the Fire Marshal's office and discussed it with them and everyone's pretty much recommended Mr. Martin come to the Town first. Mr. Martin stated he will get more into detail when this comes before the preliminary site plan stage, and plans on having a second floor above the auto shop office for rental so there will be an elevator in there.

P&Z Commissioner Glen Faden stated he hopes the applicant considers using lighting which stays oriented to keep within the property boundaries and not be a hazard to the roadway or shining into neighbor's lots. Mr. Plocek stated the applicant for the Beaches Car Wash put in a condition to put timers on their parking lot lights so the lights would turn off around 9 or 10 p.m., so it wouldn't be on all night long, shining into the neighbors' properties, and Mr. Plocek stated he would appreciate Mr. Martin do the same.

Ms. Botchie asked what the hours of operation for the auto shop will be. Mr. Martin stated they would be closed on weekends, so it would be Monday through Friday, 8 a.m. to 5 p.m.

Mr. Gevinson stated the applicant may have to put in a turn lane to get into their shop, but will have to hear from DelDOT on it. Mr. Rob Plitko, of Plitko LLC, stated he's talked to DelDOT and it's got a curb cut which was put there when Atlantic Avenue was expanded. Mr. Plitko stated they wanted to make sure they get Town approval first before moving forward with the process of how the entranceway goes inward, but the representative he talked to in Georgetown told him to fill out the form and Mr. Martin will probably have to expand the curb cut. Mr. Lyons stated all properties on Atlantic Avenue/Route 26 have commercial entrances and it would have to be pretty large for an applicant to have to install a turn lane. Mr. Plocek stated his recommendation the applicant put their hours of operation on the site plan next time it comes through P&Z.

Mr. Faden motioned to recommend to Council for approval the Conditional Use Application submitted by Plitko LLC on behalf of Kevin Martin, for an auto repair shop. Ms. Scheck seconded the motion. Motion carried 5-0.

- B.** Review, discuss and vote on possible recommendation to the Town Council a Conditional Use Application submitted by Plitko LLC on behalf of Kevin Martin, for outdoor seating for a restaurant. The proposed business is located on Tax Map Parcel #134-12.00-352.00, and zoned C1 - Commercial. The restaurant is a permitted use but the applicant is requesting a conditional use for outdoor seating for said restaurant.

Mr. Kevin Martin, part owner of Atlantic Auto Shop, stated the restaurant is somewhat of a “second thought” as he had operated Taco Taco (across from the current Atlantic Auto Shop) but the lease didn’t work out. Mr. Martin stated he still has all of the food preparation equipment and would like to have a restaurant here as it’s a permitted use, but thinks outdoor seating would be great and to keep it simple for people to enjoy and keep it a family type place.

Mr. Plocek asked if this outdoor dining area will be served from within the restaurant, or will people go within the restaurant and come out from there to sit down in the outdoor seating. Mr. Martin stated his thought is there are trees already there and he’d hate to get rid of them, so he would keep as many as he can and keep it casual so people can enjoy the outside and have some shade from the trees, but he’s not one-hundred percent (100%) sure yet.

Mr. Lyons stated this is the same plan as in the previous application, but, according to the Route 26/Route 17 design standards, everything has to be as close to the road as possible and the applicant has definitely done it at this point, with the parking in the rear, and it’s meeting Town Code.

Mr. Roe asked if Mr. Martin is asking for outdoor seating or outdoor serving. Mr. Martin stated he’s not sure yet. Mr. Roe stated his concern is if Mr. Martin is asking for the conditional use for outside serving, Mr. Martin needs to state it because someone may come to the Town in the future and ask for it even though it wasn’t officially stated in this approval. Mr. Martin stated he will say yes to requesting outdoor serving for now.

Mr. Faden stated he’s not sure the outdoor seating would be a good fit in this location because it is close to the ten (10) garage bays, and outside is always conditional to weather, and on a nice day, the garage bay doors will probably be open so there will be noise. Mr. Faden stated he doesn’t know how many people will want to sit outside with the auto repair noise sounding off nearby.

Ms. Scheck stated she would agree with Mr. Faden that compatibility of having outdoor restaurant seating next door to an automotive repair shop can be challenging; however, in the summertime, when it’s packed, especially in the evening time, the shop will be closed. Ms. Scheck stated she would caution, if the applicant does go forward and gets conditional approval, is to have the applicant look closely at the existing trees and screening, and look to supplement them so there is an aesthetically pleasing view between the two properties. Mr. Faden asked what the hours of operation for the restaurant will be. Mr. Martin stated he figured it would be 11 a.m. to whenever most restaurants close.

Mr. Gevinson stated in terms of a restaurant being close to an auto shop, it’s not really an

issue because people can take their cars to get serviced and then go the restaurant while they wait, and when the auto shop closes for the day, there's no sound to worry about. Mr. Gevinson asked if there will be any music playing in the outside seating area. Mr. Martin stated yes, there will probably be stereo speakers out there, but this is going to be a family place and not "some rock-and-roll hall" by any means. Mr. Plocek stated the noise from the traffic can be just as noisy as music but the choice to have outdoor seating is the choice of the applicant. Mr. Plocek stated if this approved and the applicant moves forward, he should consider some security around the outdoor seating; because since this is for families, there are a lot of little kids and they should be taken into consideration when it comes to being close to Route 26. Mr. Plocek stated he thinks the outdoor seating is a great idea because more and more people want the outdoor seating when the weather is nice. Mr. Martin stated he would like to keep it simple and agrees with securing the outdoor seating area.

Mr. Gevinson motioned to recommend to Council for approval the Conditional Use Application submitted by Plitko LLC on behalf of Kevin Martin, for outdoor seating for a restaurant. Ms. Scheck seconded the motion. Motion carried 4-1.

Mr. Martin asked Mr. Faden what he would like to see done to make Mr. Faden feel more comfortable with the outdoor seating. Mr. Faden stated he still thinks Mr. Martin is pretty close to the road – particularly in the summer when there's a lot of traffic noise. Mr. Faden stated he also thinks the weather is a factor in that it could rain, and he doesn't know if people would choose to eat outside during the day while the auto shop repair is going on. Mr. Faden stated he personally feels it's not a good fit for that location. Mr. Martin stated it is a customer's opinion as to whether they want to sit and accept that noise or not, and the property next to Mr. Martin's – to the west – will have three (3) commercial buildings with different businesses, known as Millville Square, and the buildings will be backed up to Mr. Martin's restaurant, plus having the restaurant building in the front, it should all block the noise from the road. Mr. Martin stated as for the outdoor seating, he would like to plant tropical-style trees and plants around the seating so it gives the feel it's summer. Mr. Martin stated he can also put in a decorative fence to help keep kids from leaving the seating area unattended.

6. CITIZENS PRIVILEGE

P&Z Commissioner Tim Roe stated he would like to make a recommendation to review some of the specific conditional uses and maybe make them permitted because the Town will be getting more of these types of requests like tonight's. Mr. Roe stated he believes more and more conditional uses will be applied for, everyone is unique, and once you set the precedence, it will go on and on. Ms. Botchie stated the Town has contracted with GMB to work on the Town's zoning code, which will be turned over to the P&Z Commission when GMB is done working on it, and it will take more than one (1) meeting for P&Z to really rethink the uses which are permitted and what you may want to see permitted. Mr. Plocek stated he would like the zoning code updates from GMB no later than P&Z's June meeting. Mr. Plocek stated he would also like to give the Council – before their budget meeting – a report about putting money into the budget to fund street lighting because there are some intersections which are dangerous at night because there's no lighting. Ms. Botchie stated she is currently working on lighting for Windmill Drive because there's a large stretch on that road which isn't lit, to Burbage Road.

7. ANNOUNCEMENT OF NEXT MEETING

Mr. Plocek stated the next P&Z meeting will be on Thursday, March 12, 2020. Mr. Gevinson and Mr. Faden stated they will not be in attendance of the March 12, 2020, meeting.

8. ADJOURNMENT

Mr. Faden motioned to adjourn the meeting at 7:42 p.m. Mr. Gevinson seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk